

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Saha *et al.*

Attorney Docket No.
61169.00043 (P-2944)

Application No.: 10/728,496

Group Art Unit: 2624

Filed: December 5, 2003

Examiner: Bernard Krasnic

Title: Method for Measuring Structural Thickness from Low-Resolution Digital Images

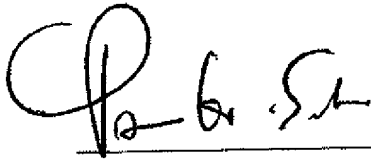
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**Combined Declaration of Punam K. Saha, Felix W. Wehrli, and Bryon R. Gomberg
under 37 C.F.R. §1.131**

We, Punam K. Saha, Felix W. Wehrli, and Bryon R. Gomberg, declare that:

1. We are the named and true inventors of U.S. Patent Appl. 10/ 728,496, filed December 5, 2003, claiming an effective filing date of December 5, 2002, when U.S. Provisional Application No. 60/431,129 was filed, the content of which was incorporated into the present application in its entirety.
2. This Combined Declaration is provided to establish conception and reduction to practice of our invention, including constructive reduction to practice, prior to the date of the Examiner's cited reference, Borgefors, *IEEE*, 180-183 (August 11, 2002), thereby swearing behind this reference.
3. Conception of our invention was completed prior to, at least, July 25, 2002, as demonstrated by our ability to draft a manuscript describing our findings and our invention (herein referred to as "the Manuscript," attached hereto as Exhibit 1). Had the invention not been completed by this date, we could not have described it in sufficient detail as to show enablement of the presently pending claims, and to show our possession of the invention.

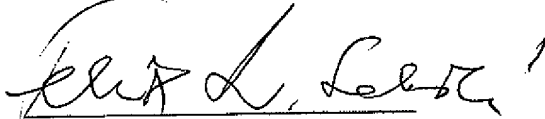
4. On July 25, 2002, a signed Preliminary Technology Disclosure Form was submitted to the Center for Technology Transfer ("CTT") of the University of Pennsylvania. See attached Exhibit 2, having a "Date Submitted" specifying 7/25/02. At the bottom of the second page of the attached Disclosure Form, there is a stamp from CTT indicating receipt on 8/7/2002.
5. Attached to that Disclosure Form, on July 25, 2002, was the Manuscript (Exhibit 1) disclosing our invention with specificity with regard to each presently pending claim.
6. With continued due diligence, and according to its standard business practice, as evidenced by the date stamp of 8/7/2002 on page 2 of Exhibit 2, the Center for Technology Transfer processed our Preliminary Technology Disclosure Form and the Manuscript.
7. Prior to December 5, 2002, the Disclosure Form and the Manuscript were forwarded to a patent attorney representing the University, for preparing and filing a provisional application. We were notified of the preparation and filing, and confirm that the subject Manuscript was the same as the one submitted with our Disclosure Form on 7/25/2002.
8. On December 5, 2002, a Provisional Application was filed at the U.S. PTO, providing to the PTO the same Manuscript as had been submitted on 7/25/2002 to CTT with our Disclosure Form, thereby constructively reducing this invention to practice. The Provisional application was assigned U.S. Provisional Patent Application 60/431,129.
9. Accordingly, we submit that there is clear and convincing evidence that the Manuscript upon which U.S. Provisional Patent Application 60/431,129 was based, and therefore the invention disclosed therein, was completed no later than July 25, 2002. This date precedes the August 2002 publication date of the cited Borgefors reference.
10. We each hereby declare that all statements made herein of our independent and combined knowledge, are true, and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willfully false statements, and the like, so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Punam K. Saha

2/22/2010

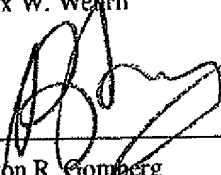
Date



Felix W. Wehrli

2/23/2010

Date



Bryon R. Gomberg

2/22/2010

Date